IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 566 OF 2005

Sau. Sarojani Shankarrao Mali ... Appellant

V/s

Madhav Shamrao Mali (Kukankar)(Dead)
through his legal heirs -
Mangala Madhavrao Suryawanshi & ors. ... Respondents

Mr. R.S. Apte with Mr. N.R. Bubna for the appellant.

CORAM: P.V. KAKADE, J.

DATED: 26TH JULY, 2005

P.C.:

1. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Malegaon dated 8.6.2004 dismissing the appeal and confirming the judgment and order passed by the Civil Judge, Jr.Divn., Malegaon dated 7.2.1998 dismissing the suit for partition filed by the plaintiff against the defendants.

2. I have heard the learned counsel for the appellant. Perused the record wherefrom it can be seen that there is absolutely no substantial question of law involved in

this appeal.

3. The learned Trial Judge adjudicated the suit on merits and came to the conclusion that the plaintiff failed to prove that the suit property was joint family property on the ground that the sale deed of the year 1933 and gift deed of the year 1960 were the documents sufficient to show that the status of the suit property was no more as joint family property. The perusal of the judgment of both the Courts below show that they have properly appreciated the entire evidence on record and have recorded concurrent findings to the effect that the 1933 sale deed as well as 1960 gift deed are duly proved in respect of the entire suit property and, as such, the status of the suit property is no more as joint family property. Consequently, it was held that the plaintiff has failed to establish such aspect and, therefore, consequently, cannot claim the share in the suit property. Without further elaboration, however, I must note that, perusal of judgments of both the Courts below do show that no substantial question of law is involved in this appeal and factual aspects of the evidence are properly appreciated and, therefore, would brook no interference. In the result, the appeal stands dismissed with no order as to costs.

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